

**United States District Court**

**for the**

**Eastern District of Washington**

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Apr 20, 2018**

SEAN F. MCAVOY, CLERK

**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Tonya Marie Stewart Case Number: 0980 2:13CR00096-RHW-3

Address of Offender: Sacred Heart Hospital

Name of Sentencing Judicial Officer: The Honorable Robert H. Whaley, Senior U.S. District Judge

Date of Original Sentence: March 13, 2014

Original Offense: Conspiracy to Commit Bank Fraud, 18 U.S.C. § 1349

Original Sentence: Prison - 27 Months; Type of Supervision: Supervised Release  
TSR - 3 Years

Asst. U.S. Attorney: Timothy J. Ohms Date Supervision Commenced: July 17, 2015

Defense Attorney: Federal Defender's Office Date Supervision Expires: July 16, 2018

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**PETITIONING THE COURT**

To issue a **summons** and to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 08/16/2017.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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**Standard Condition # 7:** The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substance, except as prescribed by a physician.

**Supporting Evidence:** On July 21, 2015, Ms. Tonya Stewart signed her conditions relative to case number 2:13CR00096-RHW-3, indicating she understood all conditions as ordered by the Court. Specifically, Ms. Stewart was made aware that plain view inspections of her residence would be conducted and she was not to possess any paraphernalia related to any controlled substance.

Ms. Stewart is alleged to have violated standard condition number 7 by having in her residence, at the time of contact with the Spokane Police Department, an altered glass drug pipe, an unused syringe, a melted pen casing, and a small metal socket. It should be noted the syringe, casing, and a metal socket was all located together by hotel staff and then photographed by the undersigned officer. The altered pipe was located by Spokane Police Department officers and then seized by this officer. Additionally, the metal socket in particular smelled strongly of marijuana. When questioned on the items, Ms. Stewart indicated this was how her boyfriend "smoked marijuana," although denied any knowledge

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of the syringe being present in the residence. All items, based on the experience of the undersigned officer, can be used for the ingestion or injection of illicit substances.

- 5      **Standard Condition # 9:** The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer.

**Supporting Evidence:** On July 21, 2015, Ms. Tonya Stewart signed her conditions relative to case number 2:13CR00096-RHW-3, indicating she understood all conditions as ordered by the Court. Specifically, Ms. Stewart was made aware that she was required to refrain from contact with individuals known to her to have a felony record, unless permission was sought for such contact from her assigned officer.

Ms. Stewart is alleged to have violated standard condition number 9 by having contact with an individual known to her to have a felony record, most recently occurring by her admission on April 13, 2018.

Specifically, on April 13, 2018, the undersigned officer was contacted by the Spokane Police Department dispatch unit who indicated the officers who had responded to an overdose and assault call in reference to Ms. Stewart were requesting this officer respond to the scene. Upon arrival, Ms. Stewart was present and exhibited numerous behaviors consistent with the use of illicit substances. Ms. Stewart indicated she had been assaulted by her boyfriend and identified an individual previously unknown to the undersigned officer. A criminal records check later revealed numerous past felony convictions. Upon questioning, Ms. Stewart initially indicated she did not know he was a convicted felon, but then later recanted that statement stating she knew that he had a criminal history, but indicated it was 20 years old. Ms. Stewart denied knowing that she was required to seek approval for such contact.

The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 08/16/2017, and that the Court issue a **summons** requiring the offender to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on:      April 18, 2018

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s/Chris Heinen

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Chris Heinen  
U.S. Probation Officer

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THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☒ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other

  
\_\_\_\_\_  
Signature of Judicial Officer

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4/20/2018  
Date